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7 Attorney for Kevin Figgers

8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,  
11 Plaintiff,  
12 v.  
13 KEVIN FIGGERS,  
14 Defendant.  
15

Case No. 2:20-mj-00302-DJA

**ORDER TO CONTINUE**  
**PRELIMINARY HEARING**  
(Seventh Request)

16 IT IS HEREBY STIPULATED AND AGREED, by and between Christopher Chiou,  
17 Acting United States Attorney, and Melanee Smith, Assistant United States Attorney, counsel  
18 for the United States of America, and Rene L. Valladares, Federal Public Defender, and Nisha  
19 Brooks-Whittington, Assistant Federal Public Defender, counsel for Kevin Figgers, that the  
20 Preliminary Hearing currently scheduled on May 3, 2021 at 4:00 p.m., be vacated and continued  
21 to a date and time convenient to the Court, but no earlier than thirty (30) days.

22 The Stipulation is entered into for the following reasons:

23 1. Defense counsel needs additional time to meet with her client to discuss the case  
24 and if necessary, to prepare for the preliminary hearing. The parties are involved in discussions  
25 and may possibly negotiate this case which may obviate the need for a preliminary hearing.

26 2. The defendant is incarcerated and does not object to the continuance.

1           3.       The parties agree to the continuance.

2           4.       The additional time requested by this stipulation is excludable in computing the  
3 time within which the indictment must be filed pursuant to the Speedy Trial Act, Title 18,  
4 United States Code, Section 3161(b), considering the factors under Title 18, United States  
5 Code, Section 3161(h)(7)(A) and (B)(i) and (iv). The additional time requested by this  
6 stipulation also is excludable in computing the 90-day speedy trial clock imposed by the Speedy  
7 Trial Act, Title 18, United States Code, Section 3161(c), considering the factors under Title 18,  
8 United States Code, Section 3161(h)(7)(A) and (B)(i) and (iv).

9           5.       This continuance is not sought for purposes of delay, but to account for the  
10 Court's limited resources and the necessary social-distancing in light of the COVID-19 public  
11 health emergency.

12           6.       Denial of this request could result in a miscarriage of justice, and the ends of  
13 justice served by granting this request outweigh the best interest of the public and the defendant  
14 in a speedy trial.

15           This is the seventh stipulation to continue filed herein.

16           DATED this 28th day of April 2021.

17           RENE L. VALLADARES  
18           Federal Public Defender

              CHRISTOPHER CHIOU  
              Acting United States Attorney

19           /s/ Nisha Brooks-Whittington  
20           By \_\_\_\_\_  
21           NISHA BROOKS-WHITTINGTON  
              Assistant Federal Public Defender

              /s/ Melanee Smith  
22           By \_\_\_\_\_  
23           MELANEE SMITH  
24           Assistant United States Attorney

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,  
4

5 Plaintiff,

6 v.

7 KEVIN FIGGERS,  
8

9 Defendant.

Case No. 2:20-mj-00302-DJA

**ORDER**

10 IT IS ORDERED that the Preliminary hearing currently scheduled for Monday,  
11 May 3, 2021 at 4:00 p.m., be vacated and continued to

12 June 7, 2021, at 4:00 p.m. in Courtroom 3A.

13 28th

14 DATED this \_\_\_\_ day of April 2021.



15 \_\_\_\_\_  
16 DANIEL J. ALBREGTS, U.S. Magistrate Judge  
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